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11 UNITED STATES DISTRICT COURT  
12  
13 EASTERN DISTRICT OF CALIFORNIA  
14

15 UNITED STATES OF AMERICA,  
16  
17 Plaintiff,

18 vs.

19 CURTIS PHILLIPS, CHARLES RAY  
20 GOODMAN, DEBORAH LYNN POLLARD,  
21 CONWAY PHILLIPS, JR., and ELO WILLIE  
22 WADLEY,

23 Defendants.  
24  
25  
26  
27  
28

Case No.: 2:17-CR-023 TLN

STIPULATION AND ORDER  
CONTINUING STATUS CONFERENCE  
AND EXCLUDING TIME UNDER THE  
SPEEDY TRIAL ACT

Date: September 27, 2018  
Time: 9:30 a.m.  
Court: Hon. Troy L. Nunley

29 This matter is presently set for a status conference on September 27, 2018. The case  
30 involves a charged conspiracy to distribute cocaine base. The Drug Enforcement  
31 Administration's investigation included the use of confidential sources, controlled purchases, and  
32 court-authorized wiretaps of a pager and two cellular telephones. The government has provided  
33 voluminous discovery to defense counsel, including nearly 500 pages of investigative reports and  
34  
35 ORDER CONTINUING STATUS  
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1 three discs of recordings and other materials.

2 The parties to this action, Plaintiff United States of America by and through Assistant  
3 United States Attorney Jason Hitt, Attorney Toni White on behalf of Defendant Deborah Lynn  
4 Pollard, Attorney Steve Plessner on behalf of Defendant Conway Phillips, Jr., and Attorney Todd  
5 Leras on behalf of Defendant Elo Willie Wadley, stipulate as follows:  
6

- 7 1. By this stipulation, Defendants now move to vacate the status conference presently  
8 set for September 27, 2018. The parties request to continue the status conference to  
9 November 29, 2018, at 9:30 a.m., and to exclude time between September 27, 2018  
10 and November 29, 2018 under Local Code T-4. The United States does not oppose  
11 this request.  
12
- 13 2. Two of the defendants in this matter have reached resolution and the remainder are  
14 continuing to work toward the same. Due to the volume of discovery in the case,  
15 including 500 pages of investigative reports and three discs containing additional  
16 materials, defense counsel for all defendants are engaged in ongoing review of the  
17 discovery and defense investigation related to potential defenses in this matter. This  
18 investigation is necessary to ensure that potential defenses are explored and discussed  
19 with each defendant in the case.  
20
- 21 3. All defense counsel represent and believe that failure to grant additional time as  
22 requested would deny each of them the reasonable time necessary for effective  
23 preparation, considering the exercise of due diligence.  
24
- 25 4. Based on the above-stated facts, the parties jointly request that the Court find that the  
26 ends of justice served by continuing the case as requested outweigh the best interest  
27

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1 of the public and the Defendants in a trial within the time prescribed by the Speedy  
2 Trial Act.

- 3 5. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, *et*  
4 *seq.*, within which trial must commence, the time period of September 27, 2018 to  
5 November 29, 2018, inclusive, is deemed excludable pursuant to 18 U.S.C. §  
6 3161(h)(7)(A), and (B) (iv) [Local Code T-4] because it results from a continuance  
7 granted by the Court at Defendants' request on the basis that the ends of justice  
8 served by taking such action outweigh the best interest of the public and the  
9 Defendants in a speedy trial.  
10  
11 6. Nothing in this stipulation and order shall preclude a finding that other provisions of  
12 the Speedy Trial Act dictate that additional time periods are excludable from the  
13 period within which a trial must commence.  
14

15 Assistant U.S. Attorney Jason Hitt and the below-signed defense counsel have reviewed  
16 this proposed order and authorized Toni White to sign it on their behalf.  
17

18 DATED: September 21, 2018

19 By Toni White for  
20 JASON HITT  
Assistant United States Attorney

21 DATED: September 21, 2018

22 By /s/ Toni White  
23 TONI L. WHITE  
Attorney for Defendant  
DEBORAH POLLARD

24 DATED: September 21, 2018

25 By /s/ Toni White for  
26 STEVE PLESSER  
Attorney for Defendant  
27 CONWAY PHILLIPS, JR.

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1  
2 DATED: September 21, 2018

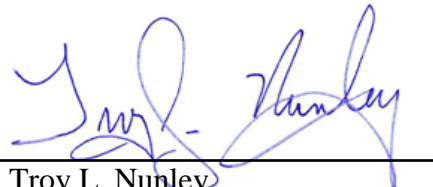
3 By /s/ Toni White for  
4 TODD D. LERAS  
5 Attorney for Defendant  
6 ELO WADLEY  
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**ORDER**

BASED ON THE REPRESENTATIONS AND STIPULATION OF THE PARTIES, it is hereby ordered that the status conference in this matter, scheduled for September 27, 2018, is vacated. A new status conference is scheduled for November 29, 2018, at 9:30 a.m. The Court further finds, based on the representations of the parties and Defendants' request, that the ends of justice served by granting the continuance outweigh the best interests of the public and the defendants in a speedy trial. Time shall be excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(B)(iv) and Local Code T-4, to allow necessary attorney preparation taking into consideration the exercise of due diligence for the period from September 27, 2018, up to and including November 29, 2018.

DATED: September 25, 2018

  
Troy L. Nunley  
United States District Judge

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